

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14797 of 2004

Between:

K. Surender Reddy, S/o. Narasimha Reddy,
Health Dept., Srirampur Project Area,

Singareni Colleiries Co.Ltd. Srirampet, Adilabad District.

..... PETITIONER

AND

1 Singareni Colleiries Co. Ltd. Srirampur Project Area,

Srirampur, Adilabad District, rep by its General Manager.

2 The Medical Superintendent, Singareni Colleires Co. Ltd.,
Srirampur Project Area, Srirampur, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of writ of Mandamus : i) declaring the action of the respondents in seeking to recover an amount of Rs. 1500/- per month, from the salary of the petitioner, towards the 'Penal rent', as illegal and arbitrary, ii) Consequently, direct the respondent 'Not to recover any amount from the pay of the petitioner, towards 'penal rent' duly refunding the already recovered amount, towards 'penal rent'".

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondents : MR.NANDIGAM KRISHANA RAO

The Court at the stage of admission made the following **ORDER** :

The petitioner is working as a Senior Sanitary Inspector in the respondent-Company. He was transferred to Srirampur at his request from Godavarikhani. He was previously transferred from Godavarikhani to Kothagudem. While he was working at Kothagudem, he was allotted a quarter of the company and his family continues to remain in the said quarter at Godavarikhani even after his transfer to Kothagudem and from Kothagudem to Srirampur. The petitioner contends that since he was not allotted a quarter at Srirampur, he could not shift his family from Godavarikhani. While the matter stood thus, the respondents through proceedings dated 09-03-2004 asked him to vacate his quarter No.T2-223 at Godavarikhani, failing which, Rs.1500/-p.m. would be recovered from his salary towards penal rent. After receipt of the said proceedings, he submitted a representation on 15-06-2004 to the second respondent requesting him to allot a residential quarter at Srirampur area and he also requested not to collect the penal rent from his salary. But the respondents are recovering Rs.1500/- from his salary from June, 2004.

On the advise of the second respondent, he approached the first respondent through a representation for allotment of a quarter on 31-07-2004, but in vain. The petitioner therefore, approached this Court through this Writ Petition seeking to declare that the action of the respondents in recovering Rs.1500/- per month from his salary towards penal rent as illegal, and arbitrary and consequently to direct the respondents not to recover the amount from his pay towards penal rent by refunding the amount already recovered. The only ground on which the petitioner questioning the proceedings of the second respondent dated 09-03-2004 is that he was not allotted a quarter at Srirampur. Therefore, he could not shift his family from Godavarikhani.

The respondents filed a counter resisting the application by contending that as per the guidelines in the circular dated 16-06-1997, the employees who were transferred on their request will be empanelled in the list of candidates seeking allotment of quarters on 31st December of every year for allotment of quarters in the succeeding year. Since the petitioner was transferred to Srirampur at his request, his name will be registered on 31-12-2004 for consideration regarding the allotment of the quarter in the succeeding year.

The learned Counsel for the respondents submitted that the employees working at Srirampur are more in number than the available quarters. Therefore, the allotment of the quarters is being made on the basis of the seniority and the respondents would consider the request of the petitioner after 31-12-2004 by taking into consideration his seniority among the employees working at Srirampur and the petitioner is not entitled to continue in the quarter at Godavarikhani on the pretext of non allotment of quarter without paying the penal rent. The petitioner did not place any material to show that he is entitled to continue to occupy a quarter in the previous station till a quarter is allotted at the place of his working. Since there is no existing right to the petitioner to continue to occupy the quarter at Godavarikhani, he is not entitled for the relief as prayed for. It is needless to mention that the respondents would scrupulously follow the rules and guidelines in considering the application of the petitioner for allotment of the quarter at Srirampur.

Accordingly the writ petition is dismissed. No order as to

costs.

Dr.G. Yethirajulu, J.

Dt: 6th October, 2004.

Rns.

To

1 The General Manager,
Singareni Colleiries Co. Ltd.

Srirampur Project Area, Srirampur, Adilabad District.

2 The Medical Superintedent, Singareni Colleires Co. Ltd.,
Srirampur Project Area, Srirampur, Adilabad District.

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